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04 MAR 2009

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Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW  
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In re Application of:	:	
DIXON, Michael, John, et al.	:	DECISION ON RNEWED
U.S. Application No.: 10/589,684	:	PETITION UNDER
PCT No.: PCT/GB2005/000320	:	37 CFR 1.47(a)
International Filing Date: 31 January 2005	:	
Priority Date: 20 February 2004	:	
Atty's Docket No.: 9314-0046.00	:	
For: POSITIONER DEVICE	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 30 December 2008. No additional petition fee is required.

**BACKGROUND**

The procedural background for the present application was set forth in the decision mailed on 30 October 2008. The decision dismissed applicants' petition under 37 CFR 1.47(a) for failure to satisfy all requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that non-signing inventor Terence James HERBERT refuses to execute the application or cannot be reached after diligent effort.

On 30 December 2008, applicants filed the renewed petition considered herein.

**DISCUSSION**

The original petition provided evidence that requests for signature, accompanied by a copy of the application, were forwarded to the non-signing inventor at two different last known addresses, and no response was received to such requests.

In the renewed petition, applicants indicate that an internet search was conducted to determine a current address for the non-signing inventor. The internet search identified the same two addresses to which applicants had previously mailed signature requests (one in Cambridge, the other in Hertfordshire). The search indicated that the address in Hertfordshire was more recent (Terence J. HERBERT was on the 2008 election rolls at such address). The renewed petition states that, as a result of this search, additional signature requests, accompanied by copies of the application, were forwarded to these two addresses. The mailing to the Cambridge address was returned for having an incorrect address (as were the previous mailings to such address); however, the mailing to the Hertfordshire address was accepted at such address on 07

November 2008. The renewed petition also indicates that an executed declaration has not been provided in response to the signature request delivered 07 November 2008.

The present submission, in combination with the original petition, provides an acceptable showing that the non-signing inventor refuses to execute the application or cannot be located after diligent effort. Applicants have therefore satisfied the final requirement for a grantable petition under 37 CFR 1.47(a).

### **CONCLUSION**

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor Terence J. HERBERT.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 October 2008.



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Dear Mr. HERBERT:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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